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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,077

06/08/2006

Yoshihiro Morioka

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06/18/2009

WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

CHEN, SHIN HON

ART UNIT

PAPER NUMBER

2431

MAIL DATE

DELIVERY MODE

06/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/582,077	MORIOKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHIN-HON CHEN	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1943.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,40 and 41 is/are rejected.
- 7) ☒ Claim(s) 2-39,42 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/17/06</u> .                                                 | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-43 have been examined.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 7/17/06 is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 40, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore U.S. Pub. No. 20030145329 (hereinafter Candelore).
5. As per claim 1, 40, and 41, Candelore discloses a packet transmitter apparatus which transmits packet data to a packet receiver apparatus, said transmitter apparatus comprising: an audio and video (AV) data information obtainment unit operable to obtain AV data information including: input terminal information indicating a terminal to which AV data is inputted; data format information indicating a data format of the AV data (Candelore: [0021]); and attribute information indicating an attribute of the AV data; a data input unit operable to receive the AV data and non-AV data; a transmitting condition setting management unit operable to extract at

Art Unit: 2431

least one of charge information, playback control information and copy control information of the AV data, from the non-AV data or the AV data, and generate, based on the extracted information, encryption mode information indicating an encryption mode which serves as a condition at the time when the AV data is transmitted (Candlore: [0024]-[0026]); an encrypted data generation unit operable to generate encrypted data by encrypting, based on transmitting conditions, the AV data received by said data input unit, and adding encryption information headers based on the encryption mode information to the encrypted AV data, the transmitting conditions being determined as a combination of the input terminal information, the data format information and the attribute information; a packet generation unit operable to generate packets by adding packet headers to the encrypted data generated by said encrypted data generation unit (Candlore: [0026]); an authentication unit operable to perform authentication processing for encryption or decryption of the AV data with the packet receiver apparatus using Uniform Resource Identifier (URI) information indicating an access position of the AV data in the packet transmitter apparatus or extended URI information; a transmission protocol determination unit operable to determine a transmission protocol of the AV data between said packet transmitter apparatus and said packet receiver apparatus, using at least one of the input terminal information, the attribute information and information indicating a transmission mode specified by said packet receiver apparatus (Candlore: [0027]); and a transmission unit operable to transmit the packets including the encrypted data generated by said packet generation unit to said packet receiver apparatus according to the transmission protocol determined by said transmission protocol determination unit, after the authentication processing with said packet receiver apparatus is completed (Candlore: [0028]).

Art Unit: 2431

***Allowable Subject Matter***

6. Claims 2-39 and 42-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Candelore et al. U.S. Pub. No. 20070271470 discloses upgrading of encryption.

Candelore U.S. Pub. No. 20040049694 discloses content distribution for multiple digital rights management.

McLean et al. U.S. Pat. No. 7433472 discloses digital content distribution system.

Pedlow, Jr. et al. U.S. Pat. No. 7218738 discloses encryption and content control in a digital broadcast system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789.

The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2431

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen  
Primary Examiner  
Art Unit 2431

/Shin-Hon Chen/  
Primary Examiner, Art Unit 2431